

HOUSE BILL No. 1086

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-4-3-4.

Synopsis: Annexation of noncontiguous territory. Allows municipalities in Kosciusko County to annex noncontiguous territory that is to be used as an industrial park.

Effective: July 1, 2016.

Nisly

January 5, 2016, read first time and referred to Committee on Government and Regulatory Reform.



Second Regular Session of the 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

HOUSE BILL No. 1086

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 36-4-3-4, AS AMENDED BY P.L.207-2014,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2016]: Sec. 4. (a) The legislative body of a municipality may,
4 by ordinance, annex any of the following:

5 (1) Territory that is contiguous to the municipality.

6 (2) Territory that is not contiguous to the municipality and is
7 occupied by a municipally owned or operated as either of the
8 following:

9 (A) An airport or landing field.

10 (B) A wastewater treatment facility or water treatment facility.

11 After a municipality annexes territory under this clause, the
12 municipality may annex additional territory to enlarge the
13 territory for the use of the wastewater treatment facility or
14 water treatment facility only if the county legislative body
15 approves that use of the additional territory by ordinance.

16 (3) Territory that is not contiguous to the municipality but is
17 found by the legislative body to be occupied by:



(A) a municipally owned or regulated sanitary landfill, golf course, or hospital; or

(B) a police station of the municipality.

However, if territory annexed under subdivision (2) or (3) ceases to be used for the purpose for which the territory was annexed for at least one (1) year, the territory reverts to the jurisdiction of the unit having jurisdiction before the annexation if the unit that had jurisdiction over the territory still exists. If the unit no longer exists, the territory reverts to the jurisdiction of the unit that would currently have jurisdiction over the territory if the annexation had not occurred. The clerk of the municipality shall notify the offices required to receive notice of a disannexation under section 19 of this chapter when the territory reverts to the jurisdiction of the unit having jurisdiction before the annexation. Territory that is annexed under subdivision (2) (including territory that is enlarged under subdivision (2)(B) for the use of the wastewater treatment facility or water treatment facility) or subdivision (3) may not be considered a part of the municipality for purposes of annexing additional territory.

(b) This subsection applies to municipalities in a county having a population of:

- (1) more than seventy thousand fifty (70,050) but less than seventy-one thousand (71,000);
- (2) more than seventy-five thousand (75,000) but less than ~~seventy-seven~~ **eighty** thousand ~~(77,000);~~ **(80,000);**
- (3) more than seventy-one thousand (71,000) but less than seventy-five thousand (75,000);
- (4) more than forty-seven thousand (47,000) but less than forty-seven thousand five hundred (47,500);
- (5) more than thirty-eight thousand five hundred (38,500) but less than thirty-nine thousand (39,000);
- (6) more than thirty-seven thousand (37,000) but less than thirty-seven thousand one hundred twenty-five (37,125);
- (7) more than thirty-three thousand three hundred (33,300) but less than thirty-three thousand five hundred (33,500);
- (8) more than twenty-three thousand three hundred (23,300) but less than twenty-four thousand (24,000);
- (9) more than one hundred eighty-five thousand (185,000) but less than two hundred fifty thousand (250,000);
- (10) more than two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000); or
- (11) more than thirty-two thousand five hundred (32,500) but less than thirty-three thousand (33,000).



1 Except as provided in subsection (c), the legislative body of a
 2 municipality to which this subsection applies may, by ordinance, annex
 3 territory that is not contiguous to the municipality, has its entire area
 4 not more than two (2) miles from the municipality's boundary, is to be
 5 used for an industrial park containing one (1) or more businesses, and
 6 is either owned by the municipality or by a property owner who
 7 consents to the annexation. However, if territory annexed under this
 8 subsection is not used as an industrial park within five (5) years after
 9 the date of passage of the annexation ordinance, or if the territory
 10 ceases to be used as an industrial park for at least one (1) year, the
 11 territory reverts to the jurisdiction of the unit having jurisdiction before
 12 the annexation if the unit that had jurisdiction over the territory still
 13 exists. If the unit no longer exists, the territory reverts to the
 14 jurisdiction of the unit that would currently have jurisdiction over the
 15 territory if the annexation had not occurred. The clerk of the
 16 municipality shall notify the offices entitled to receive notice of a
 17 disannexation under section 19 of this chapter when the territory
 18 reverts to the jurisdiction of the unit having jurisdiction before the
 19 annexation.

20 (c) A city in a county with a population of more than two hundred
 21 fifty thousand (250,000) but less than two hundred seventy thousand
 22 (270,000) may not annex territory as prescribed in subsection (b) until
 23 the territory is zoned by the county for industrial purposes.

24 (d) Notwithstanding any other law, territory that is annexed under
 25 subsection (b) or (h) is not considered a part of the municipality for the
 26 purposes of:

27 (1) annexing additional territory:

28 (A) in a county that is not described by clause (B); or

29 (B) in a county having a population of more than two hundred
 30 fifty thousand (250,000) but less than two hundred seventy
 31 thousand (270,000), unless the boundaries of the
 32 noncontiguous territory become contiguous to the city, as
 33 allowed by Indiana law;

34 (2) expanding the municipality's extraterritorial jurisdictional
 35 area; or

36 (3) changing an assigned service area under IC 8-1-2.3-6(1).

37 (e) As used in this section, "airport" and "landing field" have the
 38 meanings prescribed by IC 8-22-1.

39 (f) As used in this section, "hospital" has the meaning prescribed by
 40 IC 16-18-2-179(b).

41 (g) An ordinance adopted under this section must assign the
 42 territory annexed by the ordinance to at least one (1) municipal



- 1 legislative body district.
- 2 (h) This subsection applies to a city having a population of more
- 3 than twenty-nine thousand nine hundred (29,900) but less than
- 4 thirty-one thousand (31,000). The city legislative body may, by
- 5 ordinance, annex territory that:
- 6 (1) is not contiguous to the city;
- 7 (2) has its entire area not more than eight (8) miles from the city's
- 8 boundary;
- 9 (3) does not extend more than:
- 10 (A) one and one-half (1 1/2) miles to the west;
- 11 (B) three-fourths (3/4) mile to the east;
- 12 (C) one-half (1/2) mile to the north; or
- 13 (D) one-half (1/2) mile to the south;
- 14 of an interchange of an interstate highway (as designated by the
- 15 federal highway authorities) and a state highway (as designated
- 16 by the state highway authorities); and
- 17 (4) is owned by the city or by a property owner that consents to
- 18 the annexation.

